



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,744	04/02/2004	Errol Clyde Klotz	B589 0001	1548

720 7590 08/19/2005

OYEN, WIGGS, GREEN & MUTALA LLP
480 - THE STATION
601 WEST CORDOVA STREET
VANCOUVER, BC V6B 1G1
CANADA

EXAMINER

COLETTA, LORI L

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,744

Applicant(s)

KLOTZ ET AL.

Examiner

Lori L. Coletta

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4-2-04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06212005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altmana 4,877,281 in view of Gredy 2001/0036782 .

Regarding claim 1, Altmana '281 discloses a removable container for positioning in the interior of a vehicle, which comprises a web-like member, which forms an enclosure and a closable opening in the web-like member.

However, Altmana '281 does not teach at least two suction cups which can be movably secured to appropriate locations in the interior of the vehicle and secure the web-like member in an erect position to the interior of the vehicle.

Gredy '782 teaches at least two suction cups which can be movably secured to

Regarding claim 1, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the removable container of Altmana '218 with suction cups, as taught by Gredy '782, in order to secure the removable container to the interior of the vehicle.

Regarding claim 2, Altmana '281, as modified, discloses the removable container wherein the web-like member comprises a top panel, a pair of side panels, a bottom panel, a front panel and a rear panel.

Regarding claim 3, Altmana '281, as modified, discloses a removable container wherein the web-like member is formed of flexible fabric.

Regarding claim 5, Altmana '281, as modified, discloses wherein the web-like member is secured to the suction cups by cords.

Regarding claim 6, Altmana '281, as modified, discloses wherein the cords are elastic.

Regarding claim 7, Altmana '281, as modified, discloses the elastic cords are secured to the web-like member by detachable fastening means.

Regarding claim 8, Altmana '281, as modified, discloses wherein elastic cords are secured to grommets in web-like member.

Regarding claim 9, Altmana '281, as modified, discloses a removable container wherein the rear panel extends from the bottom panel of the container and can be moved to close the interior of the container.

Regarding claim 11, Altmana '281, as modified, discloses a removable container wherein the web-like member is formed in a general cuboid shape, and the horizontal adjacent edges of the pair of side panels and the top and bottom panels overlap to form horizontal overlapping strips.

Regarding claim 12, Altmana '281, as modified, discloses a removable container wherein grommets are located in the overlapping strips.

Allowable Subject Matter

1. Claims 13-20 are allowed.
2. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter:

The recitations of the specific features of the removable container for positioning in the interior of a vehicle in claim 13 including especially the construction of the two suction cups can be removably secured to appropriate locations in the interior of the vehicle without damaging the interior and secure the web-like member in an erect position to the interiors of the two windows of the vehicle is not taught nor is fairly suggested by the prior art of record.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other removable containers similar to that of the current invention.

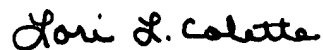
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is 571-272-6658.

The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
August 8, 2005